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Testimony to the House Committee on Families, Children and Seniors

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Introduction

Chairman Kurtz and members of the committee, my name is Judith Lincoln and I am a policy analyst with the Center for Civil Justice (CCJ), a non-profit organization with offices in Flint and Saginaw. We provide a variety of services to low-income people and their advocates in a 14-county region of mid-Michigan and the Thumb. We regularly meet with and work closely with many non-profit human services providers, including faith-based and community-based organizations and a myriad of other agencies that work to assist parents who are trying hard to maximize their potential for self-sufficiency. These agencies also work to fill the gaps when low income families lack the resources to make ends meet.

I am testifying in opposition to HB4388. HB4388 would add a provision to the Social Welfare Act that

- Prohibits an entire family from receiving cash assistance benefits if a child in that family under the age of 16 is not attending school in compliance with the Revised School Code
- Prohibits cash assistance to a child age 16 and over who is not attending school in compliance with the School Code but would not prohibit cash assistance to the others in the group.
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While HB 4388, directs DHS to implement policies, it is clear from its general and vague structure that HB4388 is intended to codify the current DHS policies. As a result, our testimony is focused on the deficiencies in the policy as we believe any legislation should address deficiencies, rather than codify them.

Lack of clarity or guidance in the proposed legislation or current DHS policy defining or establishing standards for “regular school attendance”.

Neither HB4388 nor current DHS policy provides any guidance, definition or standard concerning a uniform state-wide definition of school attendance. While HB4388 refers to Section 1561 of the Revised School Code, MCL 380.1561, for the description of “compulsory school attendance”, that statute adds nothing to clarify this nebulous term. DHS policy leaves up to local schools and school districts to define or set standards for enrollment and attendance compliance. Virtually every school district has an attendance policy that is unique to that district. It is highly unlikely that school districts’ policy would include any direction or explanation concerning how its attendance records are to be maintained for purposes of reporting to DHS on individual children. Furthermore, it was very apparent from community meetings at the time the DHS policy was implemented that there is a wide divergence concerning schools’ approach to suspensions and how those are reflected on students’ attendance records. Without sufficient guidance in either the proposed legislation, the Revised School Code, or the current DHS policy, inconsistent and unacceptable results across the State are guaranteed.

Severe sanction for entire group if a child age 6 through 15 does not meet the nebulous test while the sanctions for 16-18 year old dependent child student are significantly less.

Prior to October 1, 2012, DHS policy required school attendance for dependent children age 16 through 18 (and minor parents) who had not graduated from high school. These older teens and minor parents were removed from the group’s cash assistance grant if they failed to attend school. As long as the group included other children, the group continued to receive cash assistance, reduced to remove the truant child. While that policy remains, effective October 1, 2012, DHS’s Bridges Eligibility Manual (BEM) sections 245 and 240 were modified so that an entire group’s cash assistance benefit could be stopped if the attendance of a child in the group aged 6 through 15 did not regularly attend school.

The implemented policy puts the burden of the family’s cash assistance benefit on a child as young as six years of age. This is a significant burden for a young child and, in some families under the stress of poverty, will have dire consequences for the child. The policy also punishes children, who are themselves attending school, because of a sibling’s truancy. That sibling’s truancy is almost certainly beyond the control of the children who are regularly attending school, and may be beyond the control of the parents as well. Furthermore, even the most diligent parent has little control over school attendance of a 14 or 15 year old child who is dropped off at the school door, goes into the building, but then leaves at any time during the

school day and is subsequently absent. The age distinction resulting in full family sanction is counter-intuitive.

Absence of provisions for good cause exceptions and/or mandated services to address the causes of issues in school attendance prior to sanction.

Neither the proposed legislation nor the current DHS policy creates any exceptions based on good cause. For that matter, neither addresses the very real challenges facing families with children with disabilities that may impact school attendance. Relying on schools and school districts to address these serious issues while creating and applying district-by-district policy is ill-advised and will result in vastly different treatment of cash assistance groups being challenged by disabilities.

Likewise, neither the proposed legislation nor the current DHS policy requires DHS to assess and assist the cash assistance group in overcoming challenges that result in issues of school attendance of the children prior to application of the severe sanction of terminating the group's cash assistance benefit. An example of such a challenge is a situation in which a parent who cannot receive paid childcare (because the child is 13 or older) works at a job that requires them to leave home before the child leaves for school. Such a situation could well interfere with the parent's ability to ensure school attendance.

In addition to the foregoing reasons that CCJ opposes HB 4388, we are including a chart that lists requirements and consequences for different student age groups. Please note the column entitled "to regain FIP eligibility". It shows clearly the challenges created by the policy requiring school attendance for 21 consecutive calendar days and verification prior to benefits being reinstituted. Unfortunately DHS policy is not clear how this will be implemented. Furthermore, in discussions with various DHS staff, including local DHS office staff, the explanation of how the process of reinstatement of benefits after 21 consecutive calendar days of attendance and its verification is not well defined or consistent within DHS.

The State of Michigan and DHS are supposed to be removing barriers and assisting these families toward self-sufficiency rather than creating more barriers and pushing them farther away from those goals. Rather than directly addressing the issue of school attendance, this proposed legislation and the DHS policy it seeks to codify, sanctions the entire family for the actions of one child. That sanction will not guarantee the child's school attendance and will create barriers in the family's path toward self-sufficiency.

IMPACT OF DHS POLICY ON TRUANCY OR SCHOOL ATTENDANCE

Age of dependent child	Consequence for non-attendance	Verification	To regain FIP eligibility
6-15	The entire FIP group is not eligible to receive FIP	Verify school enrollment and attendance at application and redetermination	Verification required that child has attended school full-time for 21 consecutive days (Policy is unclear if or when re-application is required)
16-17	The dependent child is disqualified from the FIP group Note: A child graduated from high school is not required to attend a work participation program	Verify school enrollment and attendance at application, recertification, and each birthday	Verification required that child has attended school full-time for 21 consecutive days
18 (must be expected to graduate from high school before age 19)	Is not eligible as part of the FIP group	Verify school enrollment and attendance at application, recertification and each birthday	Verification required that child has attended school full-time for 21 consecutive days
Minor Parent under age 18	The minor parent and his/her dependent child(ren) are disqualified	Verify school enrollment and attendance at application, recertification and each birthday	Reapplication and verification required that minor parent has attended school full-time for 21 consecutive days (BEM 201)